

## STANDARD APPLICATION

Harford County  
Board of Appeals

Bel Air, Maryland 21014

AUG - 7 2007

Case No. 5616Date Filed 7/31/07

Hearing Date \_\_\_\_\_

Receipt \_\_\_\_\_

Fee 450.00

Shaded Areas for Office Use Only

## Type of Application

Nature of Request and Section(s) of Code \_\_\_\_\_

- ☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☒ Area Variance  
☒ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

CASE 5616 MAP 41 TYPE Variance

ELECTION DISTRICT 03 LOCATION 404 Carrollton Court, Forest Hill 21050

BY Timothy Martin

Appealed because a variance pursuant to Sec. 267-26(C)4 of the Harford County Code  
to allow a shed to be located within the required front yard in the R2 district requires  
approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

## Applicant/Owner (please print or type)

Name TIMOTHY J. MARTIN Phone Number 410-836-0134  
Address 404 CARROLLTON COURT FOREST HILL MD. 21050  
Street Number Street City State Zip Code

Co-Applicant N/A Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative N/A Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property 404 CARROLLTON COURT  
FOREST HILL, MD 21050

Subdivision COLONY PARK Lot Number 11

Acreage/Lot Size 0.386 Election District THIRD Zoning R2

Tax Map No. 41 Grid No. 2A Parcel 649 Water/Sewer: Private \_\_\_\_\_ Public X

List ALL structures on property and current use: ① House - Living Accommodations

② DETACHED GARAGE - PERSONAL USE

Estimated time required to present case: 5-10 MINUTES

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No X

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No X

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No X

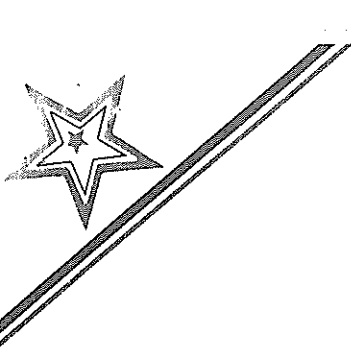
## Request

TO LOCATE A PREBUILT 12'X16' STORAGE SHED WITHIN  
THE RECORDED EASEMENT AND FRONT YARD SETBACK.  
PROPOSED SHED TO BE CONSTRUCTED OF MATERIALS THAT  
MATCH THE EXISTING DWELLING AND DETACHED GARAGE.  
TO BE USED FOR STORAGE ONLY

## Justification

SEE SEPARATE SHEET

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)



July 18, 2007

Zoning Administrator  
Harford County, Md.

Reference: Variance  
Timothy J. Martin  
404 Carrollton Court  
Forest Hill, Md. 21050

Dear Zoning Administrator:

I appreciate you taking the time to consider my request for a variance to locate a prebuilt 12' x 16' storage shed within the recorded easement and front yard setback.

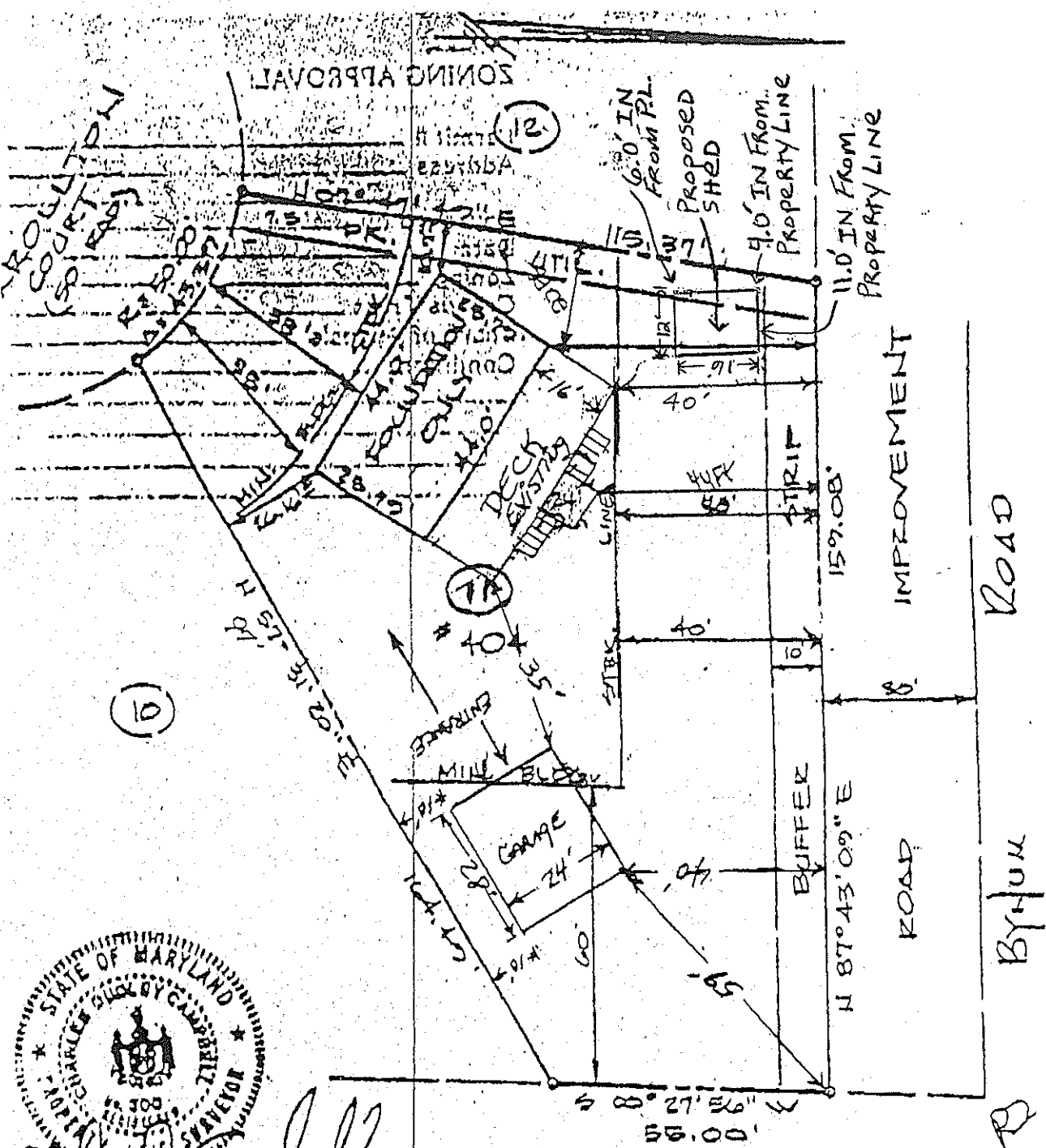
**Justification**

- 1.) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this code would result in practical or unreasonable hardship, based on the following:
  - Unusually shaped lot
  - Three road frontages
  - Limited building envelope
  - Topographical issues with existing grade and large tree
  - Given the unique features of the lot, locating the proposed shed anywhere else would not be practical and would be aesthetically unpleasing to myself and my neighbors.
  
- 2.) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this code or the public interest, based on the following:
  - The proposed shed will be constructed of materials which match those used on the existing dwelling and detached garage
  - The location, size and type of the proposed shed will be consistent with the other sheds located within the Colony Park Subdivision
  - The proposed shed will not be placed on a permanent foundation
  - The proposed shed will be used for storage only
  - The proposed shed has been discussed with all my neighbors, with no objections to the plans

Trusting the above gives you the information needed and will be considered when making your decision.

Sincerely yours,

  
Timothy J. Martin



*Charles D. Dickerson*

AT 40: 52/17

THE INFORMATION ON THIS PLAT SHOWS ONLY THAT THE IMPROVEMENTS INDICATED HEREON ARE LOCATED AS SHOWN WITHIN THE OUTLINES OF THE LOT UPON WHICH THEY ARE ERECTED, AND IS NOT TO BE CONSTRUED AS AN ESTABLISHMENT OF THE PROPERTY LINES.

**campbell associates**

LAND SURVEYING  
SITE DEVELOPMENT  
903 CHARLYN COURT  
BEL AIR, MD 21014  
(301) 838-2784

LOCATION. EX. STRUCTURE  
LOT # 11  
COLONY PARK

ET 1"=50' DATE: 4-25-88 DRAWN: M.E. JOB: H/A. 8<sup>th</sup> ELEC. DIST. HANFORD G., MD.

**DAVID R. CRAIG**  
HARFORD COUNTY EXECUTIVE

**LORRAINE COSTELLO**  
DIRECTOR OF ADMINISTRATION



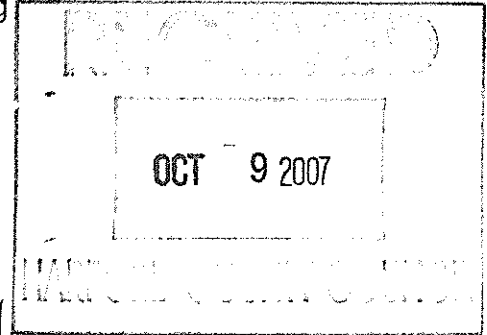
**C. PETE GUTWALD**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

October 3, 2007

### STAFF REPORT



### **BOARD OF APPEALS CASE NO. 5616**

**APPLICANT/OWNER:** Timothy J. Martin  
404 Carrollton Court, Forest Hill, Maryland 21050

**REPRESENTATIVE:** Applicant

**LOCATION:** 404 Carrollton Court  
Tax Map: 41 / Grid: 2A / Parcel: 649 / Lot: 11  
Election District: Three (3)

**ACREAGE:** 0.386 acres

**ZONING:** R2/Urban Residential District

**DATE FILED:** July 31, 2007

**HEARING DATE:** October 29, 2007

### **APPLICANT'S REQUEST and JUSTIFICATION:**

#### Request:

"To locate a pre-built 12'x 16' storage shed within the recorded easement and front yard setback. Proposed shed is to be constructed of materials that match the existing dwelling and detached garage. To be used for storage only."

#### Justification:

See Attachment 1.

*Preserving Harford's past; promoting Harford's future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • [www.harfordcountymd.gov](http://www.harfordcountymd.gov)

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

## STAFF REPORT

Board of Appeals Case Number 5616

Timothy Martin

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### **CODE REQUIREMENTS:**

The Applicant is requesting a variance pursuant to Section 267-26(C)4 and Section 267-26(C)6 of the Harford County Code to allow a shed to be located within the required front yard and within a recorded easement in the R2/Urban Residential District.

Section 267-26(C)4 of the Harford County Code reads:

*No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages as specified in Section 267-23C, Exceptions and modifications to minimum yard requirements.*

Section 267-26(C)4 of the Harford County Code reads:

*No accessory use or structure, except fences, shall be located within any recorded easement area.*

Enclosed with the report is a copy of Section 267-23C of the Harford County Code (Attachment 2).

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The subject property is located north of Bel Air on the north side of Carrollton Court. The lot is also bordered by Bynum Road to the north and the ramp to Route 1 Bel Air bypass on the east side. A location map, a copy of the Applicant's site plan and a copy of the subdivision plat are enclosed with the report (Attachments 3, 4 and 5).

The subject property is located within the Development Envelope. The predominant land use designations in the area are Medium and High Intensity and Industrial/Employment. The Natural Features Map reflects Sensitive Species Project Review Areas and Stream Systems. The subject property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

***Medium Intensity** - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.*

Enclosed with the report are copies of the 2004 Land Use Map, the Greater Bel Air Community Area Map and the Natural Features Map (Attachments 6, 7, and 8).

## STAFF REPORT

Board of Appeals Case Number 5616

Timothy Martin

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### Land Use – Existing:

The existing land uses in this area generally conform to the intent of the 2004 Master Plan. Residential developments consist of single family dwellings and townhouses. Commercial development includes retail service and motor vehicle uses. On the north side of Bynum Road is an industrial park. The topography for the area ranges from rolling to steep especially near the stream valleys. Enclosed with the report is a copy of an aerial photograph for the general area and a topography map (Attachments 9 and 10).

The subject property is an unusually shaped lot. It is located at the end of a cul-de-sac with additional road frontage on Bynum Road and on the ramp to the Bel Air By-Pass. The lot is approximately 0.386 acres in size. The topography gently slopes down from Carrollton Court. Improvements consist of a single family dwelling with a sunroom on the deck located off of the second level. There is an existing one car garage in the lower level of the house and a 2 car detached garage to the left and rear of the dwelling that was approved by the Board of Appeals in case 5190. Other improvements consist of a split rail fence to the rear of the dwelling and a concrete driveway. The shed that existed during the 2002 case has been removed. The Applicant proposes to locate the new shed where the old shed was located. There is a row of mature pine trees (approximately 20 to 25 feet in height) located between the fence and the ramp to US Route 1 By-Pass. There are new trees planted approximately 6 to 7 years ago that are approximately 12 to 15 feet in height along Bynum Road. The property is nicely landscaped and all improvements appear to be well maintained. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 11 and 12).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes R2 and R3 Urban Residential Districts. Commercial zoning includes B2/Community, B3/Community Business, and CI/Commercial Industrial Districts. There are also areas of GI/General Industrial Districts. The subject property is zoned R2/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 13).

### Previous Cases:

The Applicant's property was the subject of a previous Board of Appeals Case which was approved in January of 2002 (Case 5190). In that case the Applicant requested a variance to allow a detached garage to be located within the front yard setback along the ramp to the Bel Air By-Pass. Enclosed with the report is a copy of the Hearing Examiner's decision and the site plan (Attachments 14 and 15).

### SUMMARY:

STAFF REPORT

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The Applicant is requesting a variance pursuant to Section 267-26(C)4 and Section 267-26(C)6 of the Harford County Code to allow a shed to be located within the required front yard and within a recorded easement in the R2/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

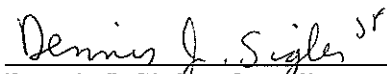
Since a utility easement was involved in the requested variance a copy of the request was sent to the Department of Public Works for their review and comments. The Department received comments on August 30, 2007 from Mr. Nelson Allen. Mr. Allen states that their records show a sanitary sewer force main existing within the 7.5 foot easement. The placement of a structure over the utility easement must be avoided for several reasons. A copy of the memo is enclosed with the report (Attachment 16).

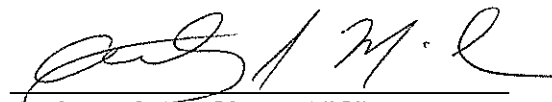
The Department finds that the subject property is unique based on its configuration, the number of road frontages and the limited building area. The requested variance from the front yard setback would not adversely impact the neighborhood, intent of the code of the road.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the requested variance for the location of the shed in the recorded easement be denied. The Department recommends that the requested variance to locate the shed in the front yard setback be approved subject to the following conditions:

1. The Applicant shall locate the shed outside of the drainage and utility easement.
2. The shed shall be located no less than 1 foot outside of the buffer strip that runs along Bynum Road as shown on the Applicant's site plan.
3. The Applicant shall obtain all necessary permits and inspections for the placement of the shed.

  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/jf